

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Ocean Trails CLO VII, *et al.*,

Plaintiffs,

v.

MLN TopCo Ltd. *et al.*,

Defendants.

Case No. 1:23-cv-05443-LGS

~~PROPOSED~~ **ORDER TO REMAND**

WHEREAS removal of the above-caption action from Supreme Court of the State of New York is based on this Court’s jurisdiction over the case under the Class Action Fairness Act (“CAFA”), as codified in [28 U.S.C. §§ 1332, 1453, 1711-15](#);

WHEREAS, under [28 U.S.C. §1332\(d\)\(5\)](#), CAFA shall not apply to actions where “the number of members of all proposed plaintiff classes in the aggregate is less than 100”;

WHEREAS there are 96 Plaintiffs named in this action;

WHEREAS the action therefore does not satisfy CAFA’s plaintiff numerosity requirement under [28 U.S.C. §1332\(d\)\(5\)](#); and

WHEREAS Defendants’ notice of removal does not provide any other basis for this Court’s jurisdiction over the case; [and for substantially the reasons stated by Plaintiffs in their submissions at Dkt. 25 and 49, and having considered Defendants' arguments at Dkt. 47 and 59;](#)

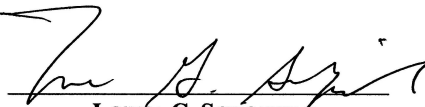
IT IS NOW, THEREFORE, ORDERED, that:

1. This action be **REMANDED** to the Supreme Court of the State of New York, New York County.

[The Clerk of Court is respectfully directed to close the motion at Dkt. 24.](#)

[So Ordered.](#)

[Dated: August 8, 2023](#)
[New York, New York](#)


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE